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## DECISION MEMORANDUM

### *Rebel/Beat Street Placer Exploration*



USDA Forest Service, Northern Region  
Nez Perce-Clearwater National Forests  
Salmon River Ranger District  
Idaho County, Idaho

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#### **I. Background**

The Salmon River District Ranger proposes to approve the claimant's proposal for exploratory digging in the French Creek drainage to test for mineral values on the Salmon River Ranger District, Nez-Perce-Clearwater National Forests, Idaho County, Idaho at T25N R3E NE ¼ Section 12 Boise Meridian (see attached map).

#### **II. Purpose and Need**

The purpose of the proposed action is to test for gold values on unpatented mining claims. The need is to determine if sufficient quantities of valuable minerals exist to warrant further development of a mining operation. The project area lies within previously disturbed and undisturbed areas within the French Creek drainage.

The Forest Service is legally required to respond to the mining proponent's request to authorized mining based on a proposed plan of operations (36 CFR 228.4). The Forest Service is required to ensure that "operations are conducted, so as, where feasible, to minimize adverse environmental impacts" (36 CFR 228.8).

Forest-wide management direction in the Nez Perce National Forest Plan related to this project can be found on pages II-15 to II-27 (USDA Forest Service, 1987). Direction for minerals includes the following applicable standards:

1. Administer the appropriate laws and regulations relating to minerals in a reasonable and consistent manner.
3. Provide reasonable access to prospect, explore, develop, and produce mineral resources. Evaluate access needs based on requirements of mining operations and environmental factors. Applicable road construction specifications and standards shall be met.
4. Assist miners in developing operating plans that provide for environmental protection and ultimate rehabilitation, while allowing exploration, development, and production to proceed in a reasonable and timely manner.
11. Assist miners in developing reclamation plans which clearly state final management objectives for specific mined areas and detail the procedures and timeframes which will be followed to accomplish those objectives.
12. Meet Forest fish/water quality objectives for all active mining operations.
13. Ensure that State and Federal water quality standards are being met for all active mining operations.

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Direction for Management Areas (MA) 4, which consists of active or recently active mineral extraction and processing operations, also applies to this project: Encourage exploration and development of mineral resources, while at the same time minimizing surface impacts from those activities.

### **III. Decision**

I have decided to approve the mineral exploration Plan of Operations with the following terms and conditions for the Rebel/Beat Street Placer Exploration Project:

Access to the project area is by Forest Development Road 221 from Grangeville, Idaho to Forest Road 9321 to Forest Road 9328 to the project area. No earthwork is required for access to most of the test sites, but approximately 250 feet of an old skid trail may require regrading to gain access to 10-15 test sites. Some dead and/or down timber may be removed for access and safety.

The proposal is for excavating up to 100 six-inch diameter test holes for the purpose of testing placer gravels for mineral values. Test holes will be drilled to bedrock, when possible, with an auger attached to a 160LC excavator. If testing at individual holes shows promise, further testing may be done with a larger (up to 24 inch) clamshell auger, mounted to the same excavator.

Material will be processed by first removing materials from the test hole and separating it by layers (topsoil, overburden, pay material, etc.). Material to be processed will be run through a small wash plant. As testing is completed at each hole, the hole will be refilled with the excavated material and reclaimed by covering the area with available forest duff and woody debris and seeding with an appropriate seed mix.

A small sump will be dug onsite to act as a settling pond. The sump will be located to minimize disturbance to the surrounding area and to prevent discharge of any materials into wetlands or riparian areas. A buffer of at least 20 ft. – 30 ft. will be maintained between any surface disturbance and adjacent streams or wetland areas. Water to fill the sump/settling pond to a level adequate for processing material will initially be pumped from French Creek. The water will then be recycled from the settling pond to the wash plant and reused. Makeup water will be added as needed. The sump will be filled, regraded, and seeded upon project completion.

A permit from the Idaho Department of Water Resources will be obtained before water is removed from any live water source. All terms and conditions of the IDWR permit will be followed.

Equipment used in the operation includes a 160LC excavator with a mounted auger unit, a wash plant mounted on a trailer, pickup, and ATV. A bucket will be periodically mounted onto the excavator for digging/cleaning the sump/settling pond, and also for feeding the processing plant.

The operator will be camping at an existing campsite near the project area for the duration of the exploration activities.

A reclamation bond will be calculated based on the estimated cost of reclaiming each active and each recently abandoned site. The bond, sufficient to cover the cost of all anticipated surface disturbance, will be submitted by the operator before the Plan of Operation was approved and before work may begin.



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All appropriate Best Management Practices (BMPs) for water quality standards and weed control, and State of Idaho BMPs for mining will be followed. In addition, standard mitigation measures have been developed for mining and will be implemented as appropriate. As part of this decision, the claimant will be required to:

### **General:**

- Notify the District Ranger or minerals administrator at least 48 hours before any work is to begin.
- Wash all vehicles and equipment used at the site before being brought onto National Forest system lands to prevent the spread of noxious weeds.
- Avoid disturbance of wetlands and stream riparian zones.
- Avoid working on saturated soils.
- Prevent discharge of water into any live stream or wetland.
- Place weed free straw bales or install silt fence in places as identified by a Forest Service representative to minimize sediment migration from stockpiles and/or raw earth.
- Obtain prior approval from the Forest Service for cutting or removal of trees or other large live vegetation. Downfall may be removed as needed.
- Set aside cleared slash and green vegetation (e.g., bear grass) during test hole construction. Remove vegetation in clumps, if possible, with the soil mass intact. Store excavated topsoil and subsoil in separate stockpiles to be used during reclamation. Temporarily replant vegetation clumps in the topsoil stockpile.
- Maintain only one (1) active drill site at any one time. Reclamation may be occurring at one (1) other site concurrently.
- Cover water pump intake hose with a 3/32" mesh screen.
- Collect process water in the sump. Regulate discharge to prevent overtopping the sump, and/or land apply excess water on a site designated by the Forest Service. Application sites will typically be natural sumps or depressions, pits, or trap(s) that avoid impacts to wetlands or streams and minimizes impacts to other surface resources. Application rate will be such that overland flow is avoided.
- Reclaim each test hole as soon as testing has been completed for that site.
- Follow the State of Idaho Best Management Practices (BMPs) for all surface disturbing activities, reclamation, and abandonment. BMPs are outlined in the *Best Management Practices for Mining in Idaho (Idaho BMPs) (Idaho Department of Lands, et al. 1992)*.
- Report accidents or injuries to the Forest Service within 24 hours.
- Develop a hazardous materials and spill prevention plan and submit it to the District Ranger prior to operations.
- Store no more than 30 gallons of fuel or oil in the project area. Store all fuel or oil in a secondary containment system that limits spills to the environment.
- Remove all equipment, garbage and trash resulting from the operation from National Forest system lands prior to October 1, the end of the regular operating season. Dispose garbage and trash at a State of Idaho approved site.
- Use and maintain a sanitary facility (e.g., porta-potty or self-contained camper) at the project area while operations are ongoing.

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- Comply with all applicable Federal and State fire laws and regulations and take all reasonable measures to prevent and suppress fires on the area of operations and require employees, contractors and subcontractors to do likewise (36 CFR 228.11).

### ***Cultural Resources:***

- If previously undiscovered cultural resources (historic or prehistoric objects, artifacts, or sites) are exposed as a result of operations, cease operations until notification is received from a Forest Service archeologist or the District Ranger that the Forest Service and the operator has complied with provisions for mitigating unforeseen impacts as required by 36 CFR 228.4(e) and 36 CFR 800.

### ***Reclamation:***

- Reclaim test holes by:
  - Restoring subsoil and topsoil to existing natural ground contour.
  - Replanting beargrass clumps or other vegetation in topsoil.
  - Placing locally available slash and duff over topsoil and around beargrass clumps or other replanted vegetation.
  - Seeding and mulching disturbed areas with appropriate seed mix and certified weed free straw.
- Perform reclamation concurrently with the operation. Test holes and associated trails will be reclaimed as soon as practicable when testing is completed at a site.

### ***Reclamation Bond and Water Right:***

- A reclamation bond must be received for this proposal by the Forest Service before work can begin. Bond amount will be calculated by the minerals administrator in an amount sufficient to cover the costs to reclaim the site to pre-project condition.
- Obtain any necessary permits prior to approval of the Plan of Operations.
- Seasonal closeout and reclamation must be completed no later than October 1. This is to ensure that all equipment is removed from the site and reclamation is complete before winter weather sets in.

Once the Forest Service receives the bond, the Plan of Operations may be approved.

### ***Design Criteria and Mitigation Measures***

The design criteria identified below are not all-inclusive, as Forest Plan standards are incorporated by reference (USDA Forest Service 1987, as amended). The document "*Mitigation Measures for Placer Exploration*" is incorporated by reference as well, and shall be included in the permit document provided to the operator. The following design criteria to protect water quality are supplemental to that document:

1. Where water is used to process mineral samples onsite using sump or settling ponds, place silt fences or other suitable erosion control devices between the pond and live waters (including streams, creeks, and wetlands) such that sediment laden water is not delivered directly to these waters.
2. Do not locate sumps and spoils piles (temporary or permanent) within any existing wetland.
3. Replant all disturbed soils as soon as possible to minimize soil erosion.
4. Do not remove dead, dying, or downed coarse woody debris from any RHCA.



5. Where feasible, incorporate the existing woody debris and vegetation located onsite into the soil to maintain organic matter content and long-term soil productivity.
6. Do not construct structures (i.e., sheds, shelters) in any wetland or floodplain within the project area.
7. If existing native surface roads are used for access, reconstruct waterbars on the native surface project roads prior to the end of the operating season. Follow guidelines and typical drawings, as specified.
8. Do not remove, disturb, or damage any instream fish habitat structure (e.g., log jam, rock cluster, etc.). If it is necessary for prudent or safe operations to do so, notify the Forest such that the District or Forest fisheries biologist may inspect the proposed changes to fish habitat.
9. Where it is necessary to maintain sanitation facilities on-site, do not locate facilities closer than 50 feet to any lake, stream, river, or wetland; and have spill prevention control and countermeasures such that effluent from the facility does not reach any lake, stream, river, or wetland.
10. If the total oil or oil products storage at a work site exceeds 1,320 gallons, or if a single container (e.g., fuel truck or trailer) exceeds a capacity of 660 gallons, the purchaser shall prepare and implement a Spill Prevention Control and Countermeasures (SPCC) Plan. The SPCC plan will meet applicable EPA requirements (*40 CFR 112*), including certification by a registered professional engineer. (*SFP: FW-119, 120, 122*).

#### **IV. Rationale for Decision and Reasons for Categorically Excluding the Decision**

##### **A. Category of Exclusion and Rationale for Using the Category**

Based on information in this document and the project record, I have determined that no extraordinary circumstances affecting resource conditions exist (*36 CFR 220.6*), that this project may be categorically excluded from documentation in an EA or EIS, and that it meets all the criteria outlined for *36 CFR 220.6(e)(8) Short-term (one year or less) mineral, energy, or geophysical investigations and their incidental support activities that may require cross-country travel by vehicles and equipment, construction of less than one mile of low standard road, or use and minor repair of existing roads*.

The rationale for my decision is based on: 1) the proposed action fully meeting the criteria for Categorical Exclusions, 2) the proposed action meeting the purpose and need, 3) the findings related to extraordinary circumstances, discussed below, 4) the project's consistency with laws and regulations, including the Forest Plan, 5) the on-the-ground review and discussion with district resource specialists, and 6) my review of the Biological Assessments (BA), Biological Evaluations (BE), specialists' reports, and project record.

##### **B. Finding of the Absence of Significant Adverse Effects to Extraordinary Circumstances**

Based on the findings for resource conditions described below, I have determined that no extraordinary circumstances are associated with my decision. Forest Service direction at *36 CFR 220.6(b)* describes the resource conditions that should be considered in determining whether extraordinary circumstance related to the proposed action warrant further analysis and documentation in an EIS or EA.

Additionally, 36 CFR 220.6(b) states, "*The mere presence of one of more of these resource conditions does not preclude use of a categorical exclusion. It is the existence of a cause-effect relationship between a proposed action and the potential effect on these resource conditions and if such a relationship exists, the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist.*"

**1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.**

The Forest Interdisciplinary (ID) Team Wildlife Biologist, Fisheries Biologist and Botanist have determined the project would have no significant effects to federally listed and R1 Sensitive wildlife, fish and plant species and/or their habitats. Therefore, no extraordinary circumstances were identified for these resources.

**2. Floodplains, wetlands, or municipal watersheds.**

Floodplains and wetlands exist in the project area; however, no significant effects to these resources are expected. No designated municipal watersheds exist in the project area, thus there would be no effects to municipal watersheds. The proposed project is consistent with all applicable State and Federal water quality laws for water resources. The activities are also consistent with soil and water standards in the Clearwater National Forest Plan, including the PACFISH amendment. Based on this analysis, no extraordinary circumstances were identified regarding the effects to floodplains, wetlands, and municipal watersheds; thereby complying with EO 11988, EO 11990, and FSH 1909.15 Chapter 31.2.2.

**3. Congressionally designated areas, such as wilderness, wilderness study areas or national recreation areas.**

The project area is not located in any congressionally designated area, and therefore, no extraordinary circumstances were identified to these resources.

**4. Inventoried roadless areas or potential wilderness areas:**

The project is not located within any Roadless Areas or potential wilderness areas, and therefore, no extraordinary circumstances were identified to these resources.

**5. Research Natural Areas.**

The project is not located in any research natural area, and therefore, no extraordinary circumstances were identified to this resource.

**6. American Indians and Alaska native religious or cultural sites.**

An appropriate inventory has been conducted for the above project and no cultural properties are located within the area of potential effects. As a result, the Forest Cultural Resource Specialist has made a *No Historic Properties Affected* determination. Therefore, no extraordinary circumstances were identified to native religious or cultural sites.

**7. Archaeological sites or historical properties or areas.**

The Idaho State Historic Preservation Officer, or the Forest Archaeologist via the use of the North Idaho Programmatic Agreement, has determined that no archaeological or historic property will be adversely affected by this project. Therefore, no extraordinary circumstances were identified to these resources.



## **V. Interested and Affected Agencies, Organizations, and Persons Contacted**

On May 27, 2016, letters providing information and seeking public comment were mailed to individuals, organizations, a variety of state and local agencies, and the Nez Perce Tribe. Project information was also available at <http://www.fs.usda.gov/nezperce> under NEPA projects. A legal notice appeared in the Lewiston Tribune on May 28, 2016, inviting comments for 30 days from publication. Three letters specific to this project were received during the public comment period. Comments are addressed in Appendix A. The original letters are found in the project record.

## **VI. Findings Required by Other Laws**

Based on my review of the actions associated with this project, I find that the Rebel/Beat Street Placer Exploration Project is consistent with applicable Federal laws and regulations.

**Federal Land Policy and Management Act (FLPMA):** These actions are consistent with the Federal Lands Management Policy Act because they recognize the Nation's need for domestic sources of minerals. Additionally, design features and mitigation measures ensure compliance with this act.

**National Forest Management Act and Nez Perce National Forest Plan:** The actions are consistent with the Nez Perce National Forest Plan (USDA Forest Service 1987), as amended, as required by the National Forest Management Act of 1976 because they follow the standards and guidelines contained in those plans.

**PACFISH/INFISH Riparian Habitat Conservation Areas (RHCAs):** All activities associated with the proposed actions comply with direction regarding PACFISH/INFISH because no adverse effects to riparian wildlife, fish species or habitats are anticipated. The project may result in local short term sediment to the stream. With implementation of design criteria, mitigation and BMPs, the effects are expected to not result in measurable changes in sediment. Although sites are located within an RHCA, riparian management objectives (RMOs) are not expected to be affected because appropriate design criteria and mitigation will prevent any effects to water quality.

**Endangered Species Act:** A Forest Service Fish Biologist, Wildlife Biologist, and Botanist evaluated the proposed action with regard to the Endangered Species Act and determined this project is consistent with the Endangered Species Act.

**Migratory Bird Treaty Act:** This project complies with the Migratory Bird Treaty Act since it will result in no substantial loss of migratory bird habitat, nor will there be any measurable impact(s) on Neotropical migratory bird populations as a whole. The project complies with the U.S. Fish and Wildlife Service Director's Order #131 related to the applicability of the Migratory Bird Treaty Act to federal agencies and requirements for permits for "take." In addition, the project complies with Executive Order 13186 because the analysis meets agency obligations as defined under the January 16, 2001 Memorandum of Understanding between the Forest Service and U.S. Fish and Wildlife Service designed to complement Executive Order 13186.

**Clean Air Act:** This project complies with the provisions of the Clean Air Act, and the rules, regulations, and permit procedures of the Environmental Protection Agency (EPA) and the Idaho Department of Environmental Quality (IDEQ). No prescribed burning or other activity with the potential to significantly affect air quality is proposed.

**Clean Water Act and State Water Quality Laws:** The Interdisciplinary Team Hydrologist has determined that this project complies with the Clean Water Act, and state and federal water quality laws because it will have no notable effects to the water quality of local or downstream waters.

**National Historic Preservation Act:** The Forest Cultural Resource Specialist determined that the proposed action will have little likelihood to adversely affect cultural properties because of its location. Therefore, this project meets the agency's responsibilities under the National Historic Preservation Act (16 USC 470), as amended, and is consistent with the *Programmatic Agreement between the Idaho State Historic Preservation Officer, the Advisory Council on Historic Preservation and the Region 1 National Forests in Northern Idaho Regarding the Management of Cultural Resources*.

**American Indian Treaty Rights:** The Nez Perce Tribal staff has had the opportunity to review the project for impacts to Nez Perce Tribe Treaty rights and Nez Perce Tribal members' abilities to exercise those rights. Though the Nez Perce Tribe Watershed Division expressed interest in the project, the Nez Perce Tribe Cultural Resource staff did not identify concerns with Native American religious or cultural sites. The Forest Cultural Resource Specialist determined the proposed action will have little likelihood to adversely affect cultural properties.

No effects to watershed resources, fisheries, wildlife or plant resources will occur as a result of the proposed actions (see B. Finding of the Absence of Significant Adverse Effects to Extraordinary Circumstances). By ensuring viability of all species and protection of watershed resources, the proposed actions are consistent with treaty obligations.

**Environmental Justice:** The proposed actions will not disproportionately impact consumers, Native American Indians, women, low-income populations, other minorities, or civil rights of any American Citizen in accordance with Executive Order 12898. No disproportionate impacts to minority or low-income populations were identified during scoping or the effects analysis.

**Other Laws or Requirements:** The proposed actions are consistent with all other Federal, State, or local laws or requirements for the protection of the environment and cultural resources.

## **VII. Contact Person**

Questions regarding this decision should be sent to Jeff Chynoweth, Nez Perce-Clearwater National Forests, Kamiah Office, 903 3rd Street, Kamiah, ID 83536, by phone at (208) 935-4260 or by facsimile transmittal at 208 935-4275 during business hours [weekdays, excluding Federal holidays, 7:30 a.m. to 4:30 p.m. (PST)].

## **VIII. Signature of Deciding Officer**



JEFFREY S. SHINN  
District Ranger  
Salmon River Ranger District

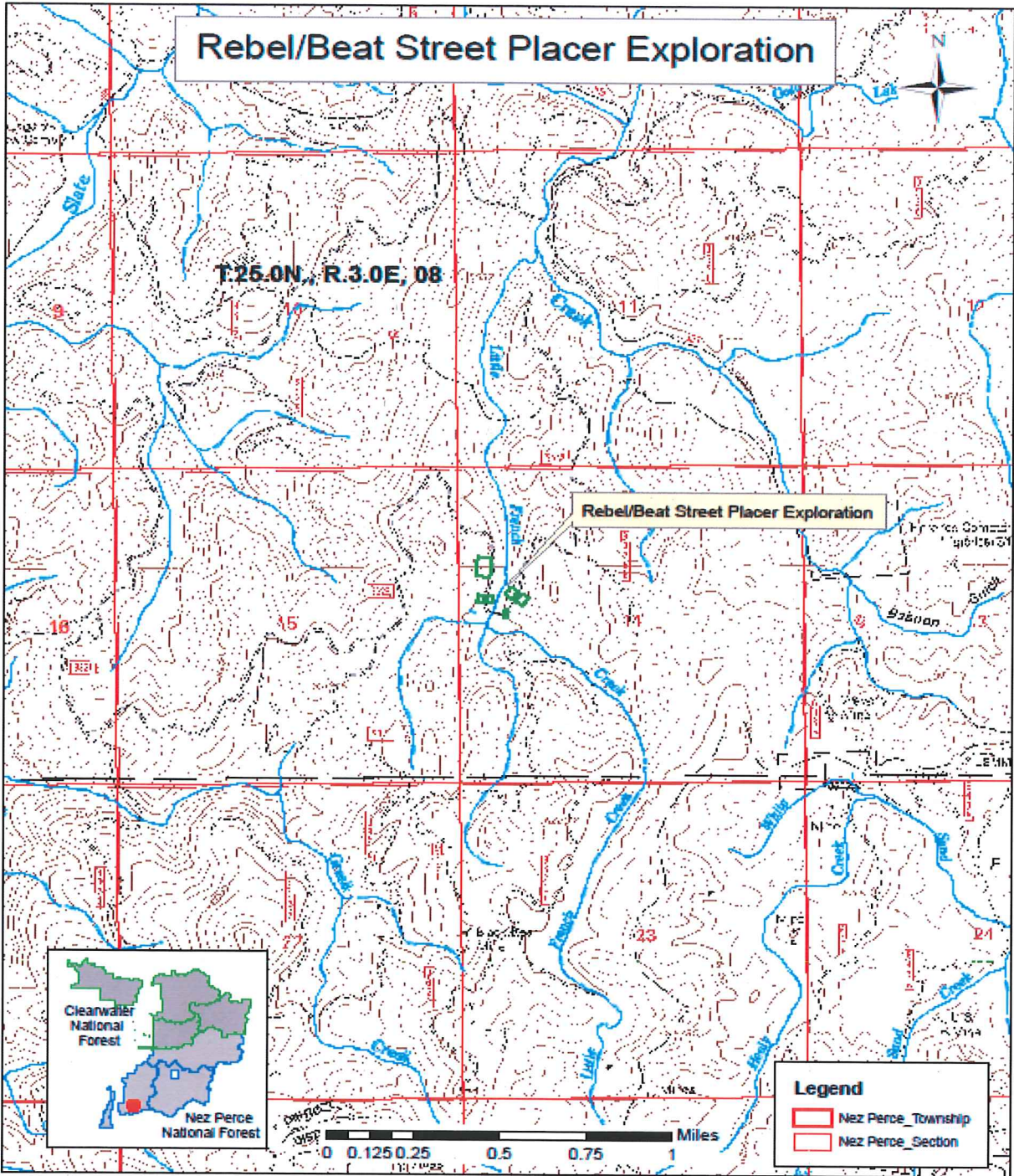
3/11/18

Date

cc: Marty Jones



Map of the Rebel/Beat Street Placer Exploration Project



Clint Hughes